

**Notice of Allowability**

Application No.

09/674,106

Examiner

Kim-Kwok CHU

Applicant(s)

KINOUCHI, TAKASHI

Art Unit

2653

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed on July 18, 2005.
2. ☒ The allowed claim(s) is/are 1-4, 6-10, 12-16 and 18-20 which are renumbered as 1-17 respectively.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_.

**EXAMINER'S AMENDMENT**

1. An Examiner's Amendment to the record appears below.  
Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the Issue Fee.
2. Authorization for this Examiner's Amendment was given telephone interview with Mr. Jay H. Maioli on January 20, 2006.
3. The Amendment filed on July 18, 2005 has been amended as follows:
  - (a) in claim 1, line 20, the term "the readout rate of said first disk-shaped optical disk" has been changed to --the known readout rate of said first disk-shaped optical disk--;  
and
  - (b) in claim 2, last second line, the term "disk-shaped disk recording medium" has been changed to --disk-shaped optical disk recording medium--.

*Allowable Subject Matter*

4. Claims 1-4, 6-10, 12-16 and 18-20 are allowable over prior art.

5. The following is an Examiner's statement of reasons for the indication of allowable subject matter based on amendment filed on July 18, 2005.

As in claims 1, 7, 13 and 19, the prior art of record fails to teach or fairly suggest that a digital recording and/or reproducing apparatus having the following features:

(a) a reproducing unit for reading out digital data from a first disk-shaped optical disk recording medium at a known read out rate at a first transmission rate substantially higher than the known read out rate of the first disk-shaped optical disk recording medium;

(b) temporary storage unit directly connected to the reproducing unit for temporarily storing digital data read out by the reproducing unit in controller;

(c) a recording unit for recording digital data read out from the temporarily storage unit in a second recording medium and the recording unit having a known recording rate equal to the readout rate of the first disk-shaped optical disk;

(d) a controlling means for controlling respective operations of the reproducing unit, the temporary storage unit and the recording unit;

(e) the controlling unit controlling the input/output calculation unit to cause the digital data from the reproducing unit to be written in the temporary storage unit at a second transmission which is lower than the first transmission rate; and

(f) the controlling means controlling the input/output calculation unit to cause the digital data to be read out from temporary storage unit at the second transmission rate;

The features indicated above, in combination with the other elements of the claims, are not anticipated by, nor made obvious over, the prior art of record.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably **accompany** the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kawamura et al. (6,075,920) is pertinent because Kawamura teaches an information recording and transfer system.

Mashimo et al. (5,991,835) is pertinent because Mashimo teaches an information dubbing system.

Ito et al. (5,631,888) is pertinent because Ito teaches an information dubbing system.

8. Any response to this action should be mailed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Or faxed to:

(571) 273-8300 (for formal communications intended for entry. Or:

(571) 273-7585, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Any inquiry of a general nature or relating to the status of this application should be directed USPTO Contact Center (703) 308-4357; Electronic Business Center (703) 305-3028.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim CHU whose telephone number is (571) 272-7585 between 9:30 am to 6:00 pm, Monday to Friday.

Kim-Kwok CHU

*kc*

Examiner AU2653  
January 20, 2006

*1/20/06*

(571) 272-7585

*William Korzuch*  
WILLIAM KORZUCH  
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